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PART IV - SECTION 4

MADRAS ACTS AND ORDINANCES.

The following Act of the Madras Legislature received the assent of the President on the 31st January 1967 and is hereby published for general information:-

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ACT NO.25 OF1966.

An Act to provide for the preservation of ancient and historical monuments and archaeological sites and remains other than those of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.

BE it enacted by the Legislature of the State of Madras in the Seventeenth Year of the Republic of India as follows:-

PRELIMINARY.

1. Short title, extent and commencement:-

1. This Act may be called the Madras Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966.
2. It extends to the whole of the State of Madras.
3. It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions:- In this Act, unless the context otherwise requires,-

a. "ancient monument" means any structure, erection or monument or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years and includes -

i. the remains of an ancient monument,

ii. the site of an ancient monument,

iii. such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument.

iv. the gardens, if any, appurtenant to an ancient monument, and

v. the means of access to, and convenient inspection of an ancient monument;

but does not include any ancient or historical monument declared by or under law made by Parliament to be of national importance;

b. "antiquity" includes -

i. any coin, sculpture, manuscript, epigraph, or other work of art OR craftsmanship,

ii. any article, object or thing detached from a building or cave,

iii. any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

iv. any article, object or thing of historical interest, and

v. any article, object or thing declared by the Government, by notification, to be an antiquity for the purpose of this Act,

which has been in existence for not less than one hundred years;

c. " archaeological officer" means any officer appointed by the Government, by notification, to be an archaeological officer for the purposes of this Act for such area as may be specified in the notification;

d. " archaeological site and remains" means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes -

i. such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and

ii. the means of access to, and convenient inspection of, the area;

But does not include any archaeological site or remains declared by or under law made by Parliament to be of national importance;

e. "Director" means the Director of Archaeology and includes any officer authorised by the Government, by notification, to exercise the powers conferred on, and discharge the duties imposed upon, the Director under this Act;

f. "Government" means the State Government;

g. " maintain " with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleaning of a protected monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or of securing convenient access thereto;

h. " owner" includes-

i. a joint owner invested with powers of management on behalf of himself and other joint owners and the successor in title of any such owner, and

ii. any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;

i. " protected area" means any archaeological site and remains which is declared to be a protected area under this Act;

j. " Protected monument" means any ancient monument which is declared to be a protected monument under thisAct.

PROTECTION OF ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS.

3. Power of Government to declare ancient monuments etc., to be protected monuments and areas:-

1. Where the Government are of opinion that any ancient monument or archaeological site and remains requires protection under this Act, they may, by notification, give two months' notice of their intention to declare such ancient monument or archaeological site and remains to be a protected monument or a protected area, as the case may be, and a copy of every such notification shall be affixed in a conspicuous place near the monument or the site and remains, as the case may be.

2. Any person interested in any such ancient monument or archaeological site and remains may, within two months after the issue of the notification, object to the declaration of the monument, or the archaeological site and remains, as the case may be, to be a protected monument or a protected area.

3. On the expiry of the said period of two months, the Government may, after considering the objections, if any, received by them, declare by notification, the ancient monument or the archaeological site and remains, as the case may be, to be a protected monument or a protected area.

4. A notification issued under sub-section (3(shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient monument or the archaeological site and remains to which it relates, is a protected monument or a protected area for the purposes of this Act.

PROTECTED MONUMENTS.

4. Acquisition of rights in a protected monument:-
1. The Director may, with the sanction of the Government, purchase, or take a lease of, or accept a gift or bequest of, any protected monument.
2. Where a protected monument is without an owner, the Director may, by notification, assume the guardianship of the monument.
3. The owner of any protected monument may, by written instrument, constitute the Director the guardian of the monument, and the Director may, with the sanction of the Government, accept such guardianship.
4. When the Director has accepted the guardianship of a monument under sub-section (3(, the owner shall, except

as expressly provided in this Act, have the same estate, right, title and interest in and to the monument, as if the Director had not been constituted a guardian thereof; and the provisions of this Act relating to agreements executed under section 5 shall apply to the written instrument executed under sub-section (3(;

(5) Nothing in this section shall affect the use of any protected monument for customary religious observances.

5. Preservation of protected monument by agreement:-

(1.) The Director, when so directed by the Government, shall propose to the owner of a protected monument to enter into an agreement with the Government within a specified period, for the maintenance of the monument.

(2) An agreement under this section may provide for all or any of the following matters, namely:-

(a. the maintenance of the monument;

b. the custody of the monument and the duties of any person who may be employed to watch it;

c. the restriction of the owner's right-

i. to use the monument for any purpose,

ii. to charge any fee for entry into, or inspection of the monument,

iii. to destroy, remove, alter or deface the monument, or

(iv.) to build on or near the site of the monument;

d. the facilities of access to be permitted to the public or any section thereof or to archaeological officers or to persons deputed by the owner of any archaeological officer or other officer or authority authorised by the government to inspect or maintain the monument;

e. the notice to be given to the Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market value;

f. the payment of any expenses incurred by the owner or by the Government in connection with the maintenance of

g. the proprietary or other rights which are to vest is the Government in respect of the monument when any expenses are incurred by the Government in connection with the maintenance of the monument;

h. the appointment of an authority to decide any dispute arising out of the agreement; and

i. any matter connected with the maintenance of the monument which is a proper subject of agreement between the owner and the Government.

3. The Government or the owner may, at any time, after the expiration of three years from the date of execution of an agreement under this section, terminate it on giving six months' notice in writing to the other party:

Provided that where the agreement is terminated by the owner, he shallpay to the Government the expenses, if any, incurred by them on the maintenance of the monument during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

4. An agreement under this section shall be binding on any person claiming to be the owner of the monument to which it relates, from, through or under a party by whom or on whose behalf the agreement was executed.

6. Persons competent to exercise powers of owner under section 5, in respect of a protected monument, when owner is under disability or when it is a village property-

1. If the owner of a protected monument is unable, by reasons of minority or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

2. In the case of a protected monument which is a village property, the headman or other village officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

3. Nothing in this section shall be deemed to empower any person not being of the same religion as the person on

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No.F.8/2/90-M
Government of India
Department of Culture
Archaeological Survey of India

New Delhi-110011, the

NOTIFICATION
(ARCHAEOLOGY)

No.S.O. Whereas by the notification of the Government of India in the Department of Culture, Archaeological Survey of India, No.S.O.1447 dated the 15th May, 1991, published in the Gazette of India, Part II Section 3 Sub-Section(ii) dated the 25th May, 1991, the Central Government gave one month's notice of its intention to declare areas upto 100 meters from the protected limits, and further beyond it upto 200 meters near or adjoining protected monuments to be prohibited and regulated areas respectively for purposes of both mining operation and construction;

And whereas the said Gazette was made available to the public on the 5th June, 1991;

And whereas objections to the making of such declaration received from the persons interested in the said areas have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by rule 32 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby declares the said areas to be prohibited and regulated areas. This shall be in addition to and not in any way prejudice the similar declarations already made in respect of monuments at Fatehpur Sikri; [illegible]; Golconda Fort, Hyderabad(Andhra Pradesh); Thousand Pillar Temple, Hanamkonda, District Warangal (Andhra Pradesh); Sher Shah's Tomb, Sasaram (Bihar); Rock Edict of Ashoka, Koppal, District Raichur (Karnataka); Fort Wall, Bijapur (Karnataka); Gomateswara Statue at Sravanabelgola, District Hassan (Karnataka); Elephanta Caves, Gharapuri, District Kolaba (Maharashtra).

(M.C. [illegible]JOSHI)
DIRECTOR GENERAL

on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

(7) Application of endowment to repair a protected monument:

1. If any owner or other person competent to enter into an agreement under section 5 for the maintenance of a protected monument refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair or for that purpose among others, the Government may institute a suit in the Madras Civil Court if the protected monument is situated in the Presidency-town or in the court of the district judge if the protected monument is situated elsewhere, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the Madras City Civil Court, or the court of the district judge, as the case may be, for the proper application of such endowment or part thereof.

2. On the hearing of an application under sub-section 1. the Madras City Civil Court or the court of the district judge may, summon and examine the owner and any person whose evidence appears to the court necessary and may pass an order for the proper application of the endowment or any part thereof, and any such order may be executed as if it were a decree of a civil court.

(8) Failure or refusal to enter into an agreement:

1. If any owner or other person competent to enter into an agreement under section 5 for the maintenance of a protected monument refuses or fails to enter into such an agreement, the Government may make an order providing for all or any of the matters specified in sub-section (2 of Section 5, and such order shall be binding on the owner or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.

2. Where an order made under sub-section(1(provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable by the Government.

3. No order under sub-section (1(shall be made unless the owner or other person has been given an opportunity of making a representation against the proposed order.

9. Power to make order prohibiting contravention of agreement under section 5 (1(. If the Director apprehends that the owner or occupier of a protected monument intends to destroy, remove injure, alter, deface imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement executed under section 5, the Director may, after giving the owner or occupier an apportunity of making a representation, make an order prohibiting any such contravention of the agreement:

Provided that no such opportunity need be given in any case where the Director, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

2. Any person aggrieved by an order made under this section may appeal to the Government within such time and in such manner as may be prescribed, and the decision of the Government shall be final.

10. Enforcement of agreements-(1) If an owner or other persons who is bound to maintain a monument by an agreement executed under section 5 refuses or fails within such reasonable time as the Director may fix, to do any act which in the opinion of the Director is necessary for the maintenance of the monument, the Director may authorise any person to do any such act, and the owner or other person shall be liable to pay the expenses as the owner may be liable to pay under the agreement.

2. If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1), it shall be referred to the Government whose decision shall be final.

11. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner:- Every person who purchases, at a sale for arrears of land revenue or any other public demand, any land on which is situated a monument in respect of which any instrument has been executed by the owner for the time being under section 4 or section 5 and every person claiming any title to a monument from, through, or under, an owner who executed any such instrument, shall be bound by such instrument.

12. Acquisition of protected monument:- If the Government are of opinion that a protected monument is in danger of being destroyed, injured, misused, or allowed to fall into decay, they may acquire the protected monument under the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894, as if the maintenance of the protected monument were a public purpose within the meaning of that Act.

13. Maintenance of certain protected monuments:-

1. The Government shall maintain every monument which has been acquired under section 12 or in respect of which any of the rights mentioned in section 4 have been acquired.

2. When the Director has assumed the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

14. Voluntary contributions - The Director may receive voluntary contributions towards the cost of maintaining a protected monument and may issue orders for the management and application of the contributions so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

15. Protection of place of worship from misuse -A protected monument maintained by the Government under thia Act, which is a place of worship or shrine shall not be used for any purpose inconsistant with its character.

16. Relinquishment of Government rights in a monument -

With the sanction of the Government, the Director may,

a. Where rights have been acquired by the Director in respect of any monument under this Act, by virtue of any sale, lease, gift or will, relinquish, by notification, the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

b. relinquish any guardianship of a monument which he has assumed under this Act.

17. Right of access to protected monuments - Subject to any rules made under this Act, the public shall have a right of access to any protected monument.

PROTECTED AREAS.

18. Restrictions on enjoyment of property rights in protected areas - 1. No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting, or any operation of a like nature in such area, utilise such area or any part thereof in any other manner without the permission of the Government:

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation doesnot involve the digging of not more than 0.5 metre of soil from the surface.

2. The Government may, by order, direct that any building constructed by any person within a protected areain contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with theorder, the Director may cause the building to be removed andthe person shall beliable to pay the cost of such removal.

19. Power to acquire a protected area - If the Government areof opinion that any protected area contains an ancient monument or antiquities of regional interest and value, they may acquire such areaunder the provisions of the Land Acquisition Act, 1894 (Central Act I of 1892), as if the acquisition were for apublicpurpose within the meaning of that Act.

ARCHAEOLOGICAL EXCAVATIONS.

20. Excavations in protected areas - Subject to the provisions of Sect on 24 of the Ancient Monuments and Archaeological Sites andRemains Act, 1958 (Central Act 24 of 1958, an archaeological officer or an officeer authorised by him in this behalf or any person holding a licence granted in this behalf under this Act (hereafter in this Act referred to as thelicensee) may, after giving notice in writing to theDirector and the owner, enter upon and make excavations in any protectedarea.

21. Excavations in areas other than protected areas- Subject to the provisions of section 24 of theAncient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958), where an archaeological officer hasreason to believe that any area not being a protectedarea, contain ruins or relics of historical or

archaeological importance, he or an officer authorised by him in this behalf may, after giving notice in writing to the Director and the owner, enter upon and make excavations in the area.

22. Compulsory purchase of antiquities, etc., discovered during excavation operations.

1. Where, as aresult of any excavations made in any area under section 20 or section 21, any antiquities are discovered, the archaeological officer or the licensee, as thecase may be, shall, -

a. as soon as practicable, examine such antiquities and submit a report to theGovernment in such manner and containing such particulars as may be prescribed;

b. at the conclusion of the excavation operations, give notice in writing to the owner of the landfrom which such antiquities have been discovered, as to the natureof such antiquities.

2. Until an order for the compulsory purchase of any such antiquities is made under sub-section 3, the archaeological officer or thelicensee, as the case may, shall keep them in such safe custody as hemay deem fit.

3. On receipt of a report under sub-section 1, the Government may make an order for thecompulsory purchase of any such antiquities at their market value.

4. When an order for the compulsory purchase of any antiquities is made under sub-section 3, such antiquities shall vest in the Government with effect from the dateof the order.

23. Excavation, etc., for archaeological purposes- Subject to the provisions of section 20 and saveas provided in sections 21 and 22, no archaeological officer or other authority shall undertake, or authoriseany person to undertake, any excavation or other like operation for archaeological purposes in any areawhich isnot a

protected area except with the previous approval of the Government and in accordance with such rules or directions, if any, as the Government may make or give in this behalf.

PROTECTION OF ANTIQUITIES.

24. Power of Government to control moving of antiquities:-

1. If the Government consider that any antiquities or class of antiquities ought not to be moved from the place where they are without their sanction, the Government may, by notification, direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the Director.

2. Every application for permission under sub-section 1 shall be in such form and contain such particulars as may be prescribed.

3. Any person aggrieved by an order refusing permission under sub-section 1 may appeal to the Government within such time and in such manner as may be prescribed, and the decision of the Government shall be final.

25. Purchase of antiquities by Government:- 1. If the Government are of opinion that any antiquity mentioned in a notification issued under sub-section 1 of section 24 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Government may make an order for the compulsory purchase of such antiquity at its market value and the Director shall thereupon give notice to the owner of the antiquity to be purchased.

2. Where a notice of compulsory purchase is given under sub-section 1 in respect of any antiquity, such antiquity shall vest in Government with effect from the date of the notice.

3. The power of compulsory purchase conferred by this section shall not extend to any image or symbol actually used for bonafide religious observances.

PRINCIPLES OF COMPENSATION.

26. Compensation for loss or damage - Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on, or excavations in, such land or the exercise of any other power conferred by this Act shall be paid compensation by the Government for such loss, damage or diminution of profits.

27. Assessment of market value of compensation:-

1. The market value of any property which the Government is empowered to purchase at such value under this Act, or the compensation to be paid by the Government in respect of anything done under this Act, shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in sections 3, 5, 8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, 1894 (Central Act I of 1894(, so far as they can be made applicable.

2. Notwithstanding anything contained in sub-section 1 or in the Land Acquisition Act, 1894 (Central Act I of 1894(, in determining the market value of any antiquity in respect of which an order for compuslory purchase is made under sub-section 3 of section 22 or under sub-section 1 of section 25, any any increase in the value of the antiquity by reason of its being of historical or archaeological importance shall not be taken into consideration.

MISCELLANEOUS.

28. Delegation of powers by the Government-

1. The Government may, by notification, authorise

any officer or authority subordinate to them to exercise any one or more of the powers vested in them by or under this Act, except the power to make rules under any of the provisions of this Act, and may in like manner withdraw such authority.

2. The exercise of any powers delegated under sub-section 1 shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control andrevision by the Government or by such officer or authority subordinate to them as may be empowered by them in this behalf. The Government shall also have power to control and revise the acts of proceedings of any officer or authority so empowered.

20. Penalties - 1. Whoever -

i. destroys, removes, injures, alters, defaces, imperils or misuses a protected monument, or encroaches upon or builds on such monument or site thereof, or

ii. being the owner or occupier of a protected monument, contravenes an order made under sub-section 1 of section 8 or under sub-section 1 of section 9, or

iii. removes from a protected monument any sculpture, carving, image, bas- relief, inscription or other like object, or

iv. does any act in contravention of sub-section 1 of section 18.

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

2. Any person who moves any antiquity in contravention of a notification issued under sub-section 1 of section 24 shall be punishable with fine which may extend to five thousand rupees; and the court convicting a person

of any such contravention may, by order, direct such person to restore the antiquity to the place from which it was moved.

30. Jurisdiction of criminal courts - No court inferior to that of a presidency magistrate or a magistrate of the first-class shall try any offence under this Act.

31. Certain offences to be cognizable - Notwithstanding anything contained in the code of Criminal Procedure, 1898 (Central Act V of 1898, an offence under clause i or clause iii of sub-section 1 of Section 29, shall be deemed to be a cognizable offence within the meaning of that Code.

32. Special provision regarding fine - Notwithstanding anything contained in section 32 of the Code off Criminal Procedure, 1898 (Central Act V of 1898(, it shall be lawful for any magistrate of the first-class specially empowered by the Government in this behalf and for any presidency magistrate to pass a sentence of fine exceeding two thousand rupees on any person convincted of an offence which under thisAct is punishable with fine exceeding two thousand rupees.

33. Offences by companies - 1. If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in sub-section 1, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, oris attributable to any neglect on the part of, any director,
of the Company, such Director, Manager, Secy.or otheroffi cer.
manager, secretary or other officer ~~xxx~~ /shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section, -

a. " company " means any body corporate, and includes a firm or other association of individuals; and

b. " director" in relation to a firm, means a partner in the firm.

34. Recovery of amounts due to theGovernment - Any amount due to the Government from any person under this Act may, on a certificate issued by the Director oran Archaeological officer authorised by him in this behalf, be recovered in the same manner as an arrear of land revenue.

35. ANCIENT Monuments etc., no longer requiring protection:-

If the Government are of opinion that it is no longer necessary to protect any ancient monument or archaeological site and remains under the provisions of this Act, they may, by notification, declare that the ancient monument or archaeological site and remains, as the case may be, has ceased to be a protected monument or a protected area for the purposes of this Act.

36. Power to correct mistakes etc - Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be protected monument or a protected area under this Act, may, at any time, be corrected by the Government by notification.

37. Protection of action taken under the Act - No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act which is in good faith done or intended to be done in the exercise of any power conferred by this Act.

38. Power to make rules - 1. The Government may make rules to carry out the purposes of thisAct.

2. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

a. the prohibition or regulation by licensing or other-wise of mining, quarrying, excavating, blasting or any operation of a like nature near a protected monument or the construction of building on land adjoining such monument and the removal of unauthorised buildings;

b. the grant of licences and permissions to make excavations for archaeological purposes in protected areas, the authorities by whom, and the restrictions and conditions subject to which, such licences and permissions may be granted, the taking of securities from licensees or holders of such permissions and the fees that may be charged for such licences and permission;

c. the right of access of the public to a protected monument and the fee, if any, to be charged therefor;

d. the form and contents of the report of an archaeological officer or a licensee under clause (a(of sub-section 1 of section 22;

e. the form in which an application for permission under section 18 or section 24 may be made and the particulars which such application shall contain;

f. the form and manner of preferring appeals under this Act and the time within which they may be preferred.

g. the manner of service of any order or notice under this Act;

h. the manner in which excavations and other like operations for archaeological purposes may be carried on;

i. any other matter which is to be or may be prescribed.

3. Any rule made under the section may provide that a breach thereof shall be punishabpee

i. in the case of a rule made with reference to clause (a(of sub- section 2, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both;

ii. in the case of a rule made with reference to clause (b(of sub-section 2, with fine which may extend to five thousand rupees;

III. in the case of a rule made with reference to clause (c(of sub-section 2, with fine which may extend to five hundred rupees.

39. Publication of rules, commencement of rules and notifications and placing of rules and notifications before the Legislature -

1. All rules made under this Act shall be published in the Fort St.George Gazette and, unles they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

2. All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

3. Every rule made and notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modifcation in any such rule or notification, or both houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

40. Repeals and savings-

1. Any law corresponding to this Act in force in the added territories immediately before the commencement of this Act, including the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960(Andhra Pradesh Act VII of 1960(hereafter in this section referred to as the corresponding law, shall stand repealed on such commencement.

2. The Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904(, shall cease to have effect in relation to ancient monuments and archaeological sites and remains declared under this Act to be protected monuments or protected areas, except as respects things done or omitted to be done before the commencement of this Act.

3. The repeal by sub-section 1 of the corresponding law shall not affect.

i. the previous operation of the corresponding law or anything duly done or suffered thereunder; or

ii. any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law; or

iii. any penalty, forfeiture pr punishment incurred in respect of any offence committed against the corresponding law; or

iv. any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

4. Notwithstanding the repeal by sub-section 1 of the corresponding law, all ancient monuments or archaeological sites and remains declared to be protected monuments or protected areas under the correspondińg law shall be deemed to be ancient monuments or archaeological sites and remains declared to be protected monuments or protected areas under thisACT.

5. Subject to the provisions of sub-sections 3 and 4, anything done or any action taken before the commencement of this Act under the corresponding law shall be deemed to have been done or taken under this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under thisAct.

6. For the purpose of facilitating the application of this Act in the added territories, any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

7. Any reference to the corresponding law in any law which continues to be in force in the added territories after the commencement of this Act shall, in relation to those territories, be construed as a reference to this Act.

Explanation- For the purpose of this section, the expression " added territories" shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Madras. (Alteration of Boundaries (Act, 1959 (Central Act 56 of 1959(.

(By order of the Governor(

T.S.Ramalingam,
Secretary to Government,
Law Department.

/True Copy/

[signature] 3.2.79

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